

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI**

<b>EDWARD SMITH,</b>	:	
<b>Petitioner,</b>	:	<b>CASE NO. C-1-01-814</b>
<b>v.</b>	:	<b>JUDGE SUSAN J. DLOTT</b>
<b>ANTHONY BRIGANO,</b>	:	<b>MAGISTRATE PERELMAN</b>
<b>Respondent.</b>	:	<b>(CLEVELAND)</b>

**RESPONDENT'S MOTION FOR EXTENSION OF TIME UNTIL 2-19-04**

Now comes Respondent, by and through counsel, and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, respectfully moves this Court for an order granting an enlargement of time through and including February 19, 2004, in which to file a supplemental answer to show cause why the petition for writ of habeas corpus should not be granted.

Respectfully submitted

JIM PETRO (0022096)  
Attorney General

s/ Thelma Thomas Price  
THELMA THOMAS PRICE (0033976)  
Assistant Attorney General  
Corrections Litigation Section  
150 East Gay Street, 16<sup>th</sup> Floor  
Columbus, Ohio 43215  
614/644-7233  
Fax: 614/728-9327  
e-mail: [tprice@ag.state.oh.us](mailto:tprice@ag.state.oh.us)

**MEMORANDUM IN SUPPORT**

The Petitioner has filed a petition for a writ of habeas corpus with this Court. The Respondent's supplemental answer is due on February 12, 2004, pursuant to this court's order of January 19, 2004. Counsel for Respondent respectfully requests that she be granted an enlargement of time, through and including February 19, 2004, in which to file the additional answer. Counsel submits that she nearly completed the answer on February 12, 2004 but determined that additional research was required on one of Petitioner's claims that was never reviewed by the state court. Counsel believes that only a few hours will be required to resolve this question of law but submits this request for an additional week for the court's convenience in granting this motion.

**The Respondent has not sought any prior extensions of time to file this supplemental answer.**

Respectfully submitted,

JIM PETRO (0022096)  
Attorney General

s\Thelma Thomas Price  
THELMA THOMAS PRICE(0033976)  
Assistant Attorney General  
Corrections Litigation Section  
150 East Gay Street, 16th Floor  
Columbus, Ohio 43215-6001  
Phone: (614) 644-7233  
Fax: (614) 728-9327  
e-mail: tprice@ag.state.oh.us

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing Respondent's Motion for Extension of time was sent to Petitioner, Edward Smith, #346-408, Warren Correctional Institution, P.O. Box 120, Lebanon, Ohio 45036 via regular U.S. mail, postage prepaid, this 12<sup>th</sup> day of February, 2004.

s\Thelma Thomas Price  
THELMA THOMAS PRICE (0033976)  
Assistant Attorney General